



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 7/26/2011

Report Type: Consent

Title: Ordinance Amendment: Sacramento Metropolitan Arts Commission (Continued from 7-19-11_

Report ID: 2011-00403

Location: Citywide

Recommendation: Review an Ordinance amending Chapter 2.84 of Title 2 of the Sacramento City Code relating to the Sacramento Metropolitan Arts Commission and pass for publication the Ordinance title as required by the Sacramento City Charter (32c) to be adopted on August 9, 2011.

Contact: Rhyena Halpern, Executive Director, (916) 808-3992, Convention, Culture and Leisure Department

Presenter: None

Department: Convention Culture & Leisure

Division: Metro Arts-Administration

Dept ID: 17001811

Attachments:

- 1-Description/Analysis
- 02 Background
- 03 Ordinance - Redline
- 04 Proposed Ordinance - Clean

City Attorney Review

Approved as to Form
Kourtney Burdick
7/13/2011 2:50:33 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
City Treasurer

Approvals/Acknowledgements

Department Director or Designee: Rebecca Bitter - 7/12/2011 4:08:29 PM

Assistant City Manager: Cassandra Jennings - 7/12/2011 9:10:03 PM



Description/Analysis

Issue: Staff recommends amending Chapter 2.84 of the City Code related to the Sacramento Metropolitan Arts Commission (Commission). The amendments to the ordinance are:

- 1) Reduce the number of Commission seats from 11 to 9, to create efficiencies for SMAC staff and the Clerk's office for supporting the Commission;
- 2) Eliminate the Commission seats that are reserved for practicing artists and arts administrators, in favor of having all nine seats allocated to a mix of community representatives based on interest, experience and knowledge of the arts; and
- 3) Replace the Folsom/Isleton/Galt (FIG) seat with a seat to be jointly appointed by the City and County upon recommendation by the Commission.
- 4) Creating consistency in term limits among all Commissioners.
- 5) Revise Powers and Duties of the Commission to make consistent with actual practice.

Policy Considerations: The City Clerk's Office has initiated an effort to have all City boards and commissions update their governance documents, to create parity, conformity, and efficiencies.

Environmental Considerations: None.

Commission/Committee Action: On March 15, 2011, the Law and Legislation Committee approved: 1) the proposed Ordinance change to Sacramento Metropolitan Arts Commission, Title 2, Chapter 2.84; and 2) forwarding a recommendation of approval of the Ordinance to City Council.

Rationale for Recommendation: Reducing the number of Commissioners right sizes the number of seats according to the number of action and presentation items before the Commission. It also reflects City staff's reduced ability to support the Commission due to heavy reductions. In addition, the FIG seat is no longer relevant. Folsom has its own Arts Council and Isleton and Galt have been minimally involved, never having seated a resident. Replacing the FIG seat with a joint City and County appointment that is recommended by the Commission as well as allocating a mix of community representatives based on interest, experience, and knowledge of the arts, will better fit the Commission's needs in practice.

Financial Considerations: Not applicable.

Emerging Small Business Development (ESBD): Not applicable.



Background:

The Sacramento Metropolitan Arts Commission (Commission) is a joint commission of the City and County of Sacramento. The governing City ordinance has not been updated since its inception in 1977. Prompted by the City Clerk's recommendations to review current Commission procedures and practices to ensure consistency with the City Code and other City practices, the Commission has reviewed the ordinance and recommends the attached changes. In addition, the Commission has recommended additional amendments in an effort to have the ordinance more closely reflect the Commission's practices as well as streamline the appointment process.

Should the Council approve these recommended changes, the Commission will implement a revised Rules of Procedure governing its operation. Modeled upon the Rules of Procedure for the Parks and Planning Commission as an example of best practices, the Commission, via its Governance Ad Hoc Committee and Executive Director, spent the last two years updating the Commission's Bylaws, which were last changed in 1995. The new Rules of Procedure, which are housed in the Bylaws, were reviewed and approved by the Commission on October 11, 2010, in anticipation of the changes recommended to the ordinance.

County staff has preliminarily approved the recommended amendments to the ordinance. The matter is scheduled before the Board of Supervisors on July 19, 2011.



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ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING CHAPTER 2.84 OF THE SACRAMENTO CITY CODE
RELATING TO THE SACRAMENTO METROPOLITAN ARTS COMMISSION**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 2.84.020 of the Sacramento City Code is amended to read as follows:

2.84.020 Definitions.

As used in this chapter, the following definitions apply:

“Board” means the board of supervisors of Sacramento County.

“Capital Improvement Program” or “CIP” means the annual program for City financed public improvement projects.

“City” means the city of Sacramento.

“Commission” means the Sacramento metropolitan arts commission.

“Council” means the city council of the city of Sacramento.

“County” means the county of Sacramento.

“Division” means the Sacramento Metropolitan Arts Commission Division of the City’s Department of Convention, Culture and Leisure.

“Mayor” means the mayor of the city of Sacramento.

“Member” means a person appointed as a member of the commission.

“Public art” means an original work of art or artwork that is accessible to the public and that has been approved as public art by the commission.

“Works of art” or “artwork” means all forms of the visual arts conceived in any medium, material, or combination thereof.

SECTION 2. Section 2.84.030 of the Sacramento City Code is amended to read as follows:

2.84.030 Appointment of members and qualifications.

The commission shall consist of nine (9) members, who shall be appointed as follows:

- A. Four members shall be appointed by the mayor with approval of the council.
- B. Four members shall be appointed by the board.
- C. One member shall be jointly appointed by the council and board upon recommendation by the commission.
- D. Each member shall be qualified by reason of the following knowledge, training, and professional experience:
 - 1. Demonstrated knowledge about the arts;
 - 2. History of involvement with the local arts community;
 - 3. Experience as an arts educator, arts supporter, arts advocate, arts administrator, art curator, art historian, art critic, or practicing artist; and
 - 4. Basic understanding of the commission's activities.
- E. The members should reflect the diversity of the city and county to the maximum extent practicable.

SECTION 3. Section 2.84.040 of the Sacramento City Code is amended to read as follows:

2.84.040 Term of office—Eligibility for reappointment.

- A. Each member shall serve for a term of three years.
- B. No member who has served two consecutive full three-year terms shall be eligible for reappointment to the commission until two years after the last prior date the member served on the commission.
- C. Notwithstanding subsection (A), above, the term of a member who fills a vacancy pursuant to Section 2.84.070 shall be for the remainder of the predecessor's term. For purposes of calculating the two-consecutive term limit under subsection (B), above, the term of a member filling more than half of a vacant term shall constitute a full term.

SECTION 4. Section 2.84.050 of the Sacramento City Code is amended to read as follows:

2.84.050 Organization and procedures.

Annually, the commission shall elect from its members a chairperson and a vice-chairperson, each of whom shall hold that office for a term of one year. The commission shall fill vacancies in the offices of chairperson and vice-chairperson from among its members. The commission may adopt such lawful rules as it deems necessary, consistent with the provisions of this chapter, for the conduct of its business.

SECTION 5. Section 2.84.060 of the Sacramento City Code is amended to read as follows:

2.84.060 Regular meetings—Compensation.

The commission shall establish a time and place for regular meetings to be held approximately monthly and not less than nine (9) times per year. The members shall not be compensated for attendance at commission or committee meetings.

SECTION 6. Section 2.84.070 of the Sacramento City Code is amended to read as follows:

2.84.070 Vacancies—Absences from meetings.

A. The mayor, with approval of the council, shall fill any vacancy occurring among the members which the mayor appoints. The board shall fill any vacancy occurring among the members which it appoints. The commission shall make a recommendation to the council and board for filling a vacancy occurring in the position of the jointly appointed member.

B. The position of any member who fails to attend three or more regular meetings in one year without the approval of the majority of the members of the commission shall automatically become vacant.

SECTION 7. Section 2.84.080 of the Sacramento City Code is amended to read as follows:

2.84.080 Powers and duties.

The powers and duties of the commission shall be as follows:

- A. To foster and develop support for the arts;
- B. To advise the council and the board on all matters concerning the arts, including pending legislation;

C. To advise the council and the board on the allocation of funds in support of the arts, to establish firm and equitable standards for such allocations, and to evaluate those allocations annually;

D. To develop an awareness in the business community, in local government, and in the general public of the value of the arts and culture to Sacramento;

E. Except for works of art given to or purchased by museums, to review and make recommendations upon all works of art to be acquired by the city or county either by purchase or gift;

F. To review and make recommendations upon the program development and budget, master planning site development and building design of any local government public building project during the preliminary stages.

G. To work with city and county departments, community organizations, businesses, schools, and colleges to develop arts possibilities;

H. To advise the city and county of, and to seek, state, federal, and private funds in support of the arts;

I. To act as a liaison between the city and county, local artists and cultural groups, and the community at large;

J. To research the needs of artists and the community, and then develop, and regularly update and evaluate progress against a long term plan for the growth of the arts in Sacramento;

K.. To explore the future of the aesthetic quality of life in the community, with vision and imagination, and to report and recommend periodically to the council and board;

L.. To recommend to the council and board policies, programs, and services to further the purposes of the commission;

M. To advise and assist the city and county in other activities as may be referred to it by the council or board.

SECTION 8. Section 2.84.090 of the Sacramento City Code is amended to read as follows:

2.84.090 Joint participation—Funding.

A. County and city shall, within the limits of available funding, jointly share the cost of maintaining and financing the activities of the commission and the division.

B. The city and county shall specify in their annual budgets, or through subsequent appropriations during the fiscal year, the amount of money to be expended for the activities of the commission and the division.

C. The city as fiscal agent shall provide the initial and ongoing financial outlay for administrative costs and expenditures. Upon receipt of itemized invoice for approved administrative costs and other expenditures, the county shall reimburse the city.

D. The city as fiscal agent shall provide the county with an annual accounting of all income from private, local, state and federal sources, as well as profits earned from any source.

E. If the commission goes out of existence, the city and county shall divide equally any unspent funds which the commission has received from any source whatsoever.

SECTION 9.

Notwithstanding anything in this Ordinance to the contrary, there may be five City-appointed members on the commission until the expiration of the terms of the two City-appointed members whose terms will expire in July 2012.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:



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Noes:

Abstain:

Absent:

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City Clerk

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